



(Ireland.)

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To remove Doubts touching the Law relating to Charitable
Pawn or Deposit Offices in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH~~EREAS~~ an Act was passed in the Parliament of Ireland
in the twenty-sixth year of the reign of his late Majesty
King GEORGE the Third, intituled, "An Act to establish the Business
of a Pawnbroker, and to authorize such Persons as shall be duly
qualified to carry on the same, to lend Money on Pawns or Pledges,
and to receive Interest at a higher Rate than heretofore was recoverable
by Law," and accordingly, by virtue of such Act, the trade or business
of a Pawnbroker was established in Ireland; and it is provided and
enacted, that after the First day of May One thousand seven hundred
and Eighty-six, every person purposing to become a Pawnbroker shall
enter into and execute a bond, as therein mentioned, in the penal sum
of Three hundred Pounds sterling, conditioned for the due and faithful
discharge of all trusts, matters and things committed to his or her
care, or to him or her relating, in consequence of becoming or being a
Pawnbroker, and of the said duties thereby required of such Pawn-
broker, and is also required to procure Three or more proper and suffi-
cient persons also to enter into and execute a separate and distinct
bond, as therein mentioned, in the penal sum of One hundred Pounds
sterling, for the security of all persons who should have any dealing
with such person following the business of a Pawnbroker pursuant to
that Act, that such Pawnbroker shall duly and faithfully discharge the
several duties thereby required of him or her; and by the said Act
certain penalties and forfeitures are imposed upon all persons whom-
soever who shall after the First day of May One thousand seven
hundred and Eighty-six commence or follow the said business of a
Pawnbroker who shall not have entered into and given such securities

Pressable :

Revised Irish Act,
25 Geo. 3, c. 43.

as thereinbefore and also as hereinbefore mentioned; and the said Act contains divers provisions touching the mode in which the trade or business of a Pawnbroker is to be carried on, and imposes divers penalties and forfeitures upon persons guilty of any mal-practices in the said trade :

Recites Irish Act,
28 Geo. 3, c. 49.

And whereas an Act was passed in the Parliament of Ireland in the twenty-eighth year of the reign of his said late Majesty King GEORGE the Third, intituled, "An Act to explain, amend and render more effectual an Act passed in the Twenty-sixth Year of the Reign of his present Majesty King GEORGE the Third, intituled, 'An Act to establish the Business of a Pawnbroker, and to authorize such Persons as shall be duly qualified to carry on the same, to lend Money on Pawns or Pledges, and to receive Interest at a higher Rate than heretofore was recoverable by Law,'" and thereby it is enacted, that if any person or persons, not being duly qualified and licensed, shall in any manner presume to use, exercise or carry on the said trade or business of a Pawnbroker, every such person so offending shall forfeit and pay for each and every such offence the further penalty therein mentioned, recoverable as therein mentioned; and the same Act contains certain provisions requiring certain certificates to be obtained, and additional security to be given by all Pawnbrokers residing within the district of the metropolis of the city of Dublin, or within Three Miles thereof, and requires a certain oath to be taken by every Pawnbroker so residing as last mentioned; and the said Act contains divers other enactments, inflicting pains and penalties upon persons guilty of mal-practices in the said trade or business of a Pawnbroker :

Recites the estab-
lishment of Char-
itable Pawn Offices;

And whereas certain Charitable Institutions or Societies have been formed in Ireland, commonly called Charitable Pawn Offices, or Monts de Piété, the object of which Institutions or Societies is to lend money to poor persons on the pledge or deposit of goods; and the profits arising from such Institutions or Societies, after the payment of necessary expenses, are devoted to charitable purposes :

and recites that such
Institutions should
be encouraged, if
proper precautions
are taken to secure
the profits for char-
itable purposes.

And whereas it is expedient that such Institutions or Societies should be encouraged and aided by legislative enactments, provided that due and proper precautions be taken to secure such profits as aforesaid for charitable purposes, and prevent their being applied by the projectors for their own benefit; and such proper precautions may be insured by a compliance, by or on behalf of such Institutions or Societies, with the provisions in that behalf contained in the Act of Parliament next hereinafter recited or referred to :

Recites 6 & 7 Will. 4,
c. 36, establishing
Loan Funds in
Ireland, and securing

And whereas an Act was made and passed in the sixth and seventh years of the reign of his late Majesty King WILLIAM the Fourth, intituled,

intituled, " An Act to amend the Laws relating to Loan Societies in Ireland," and by that Act divers provisions are made for the establishment and management of certain Institutions, called Loan Societies or Loan Funds, which Institutions were formed for the purpose of raising
 5 from time to time, by Loans from the Members of such Societies, or from other persons, at a rate of interest not exceeding Six per centum per annum, or by donations, a stock or fund for the purpose of granting Loans to the industrious classes, in sums not exceeding Ten Pounds, to any one individual at any one time, but at a rate of interest
 10 higher than is allowed by law to be taken on ordinary Loans; and by the said Act proper provisions are made for the enrollment of such Societies, and full and proper provision is made for securing for charitable purposes the net profits of every Society established under the provisions of that Act, or which may become entitled to the
 15 benefit thereof; and it is by the said Act enacted, that if any Society or Societies then or thereafter to be formed, for the purpose of establishing Charitable Pawn or Deposit Offices, at which money may be lent to the industrious poor upon pledge, shall be desirous of having the benefit of that Act, such Society or Societies shall in like manner
 20 cause the rules framed or to be framed for their management respectively to be certified, deposited and enrolled in manner thereinbefore directed with reference to Loan Fund Societies, desiring the benefit of that Act, and thereupon such Societies respectively shall be deemed and entitled to, and shall have the benefit of the provisions contained in that Act, so far as the same are applicable to the objects
 25 of such Charitable Pawn or Deposit Offices :

And whereas, in consequence of the provisions touching the qualifications and license required for Pawnbrokers respectively contained in the said two several Acts of Parliament first hereinbefore recited or referred to, doubts have arisen whether the Directors, Trustees and
 30 Managers of, and other persons conducting or assisting in the conduct of the said Institutions or Societies, called Charitable Pawn or Deposit Offices, do not incur penalties for and as acting as Pawnbrokers without a proper qualification or license, notwithstanding they may be enrolled under and entitled to the benefit of the last hereinbefore-recited Act, and notwithstanding such persons may have caused their
 35 Manager, Clerk, Agent or Servant to be licensed as required by the said two first-recited Acts for carrying on their said business, it being held and considered that a compliance with the forms required by the said two first-mentioned Statutes, in the name of a Manager, Clerk, Agent or Servant, not beneficially and substantially personally interested in the said business, is not sufficient to exempt the said Directors, Trustees, Managers, Conductors and other persons from the penalties imposed by the said two first-mentioned Acts upon unqualified persons acting as Pawnbrokers :

the profits thereof for charitable purposes, and enabling Charitable Pawn Offices to have the benefit of the provisions of the Act, on its Rules being enrolled pursuant thereto, whereby the net profits of such Offices will be secured for charitable purposes under such Act.

Recites that doubts have arisen whether persons connected with Charitable Pawn Offices do not incur Penalties for acting as unqualified Pawnbrokers, notwithstanding their being entitled to the benefit of 6 & 7 Will. 4, c. 83, and notwithstanding a License be taken out in the name of a Clerk.

And whereas, for the encouragement of the said Charitable Institutions or Societies, it is expedient that such doubts should be removed; and it is expedient also to provide for the inconvenience that may from time to time arise from the death of the person who may be licensed or authorized to act as a Pawnbroker, or from his ceasing to act on behalf of the Society on whose behalf he may have been originally licensed, in the interval before a successor can be licensed and authorized to act; and it is expedient also to make such other provisions as hereinafter contained touching the person to be so licensed or authorized to act;

1.
Exempts Managers, &c. of Charitable Pawn Societies from Penalties for acting as unqualified persons, provided the Societies are entitled to the benefit of the 6 & 7 Will. 4, c. 56, and provided a License be taken in the name of a Clerk or Servant.

BE it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT none of the clauses or provisions touching or requiring any securities, license or qualification to be given, taken or acquired, or other forms to be complied with on the part of any person or persons commencing or carrying on the business of Pawnbrokers, respectively contained in the said two several Acts first hereinbefore mentioned or referred to, or either of them, shall be held or construed to subject or render liable any Director, Trustee, Manager or Subscriber of, or any Manager, Clerk, Agent, Servant or other person in any way connected with, or conducting or assisting in the conduct of any Institution or Society now or hereafter to be formed in Ireland for the purpose of establishing in Ireland a Charitable Pawn or Deposit Office, to any penalty, forfeiture or punishment whatever, in respect of any act, deed or thing done or omitted to be done by any Director, Trustee, Manager or Subscriber of, or any Agent, Servant or other person connected with, or conducting or assisting in the conduct of any such Institution or Society, at the usual place or places of conducting the business of the said Institution or Society; provided that such Institution or Society shall, by having complied with the provisions of the said recited Act of the sixth and seventh years of the reign of King WILLIAM the Fourth, have become, and for the time being continue entitled to the benefit of the provisions of that Act; and provided that some Manager, Clerk, Servant or Agent of the said Institution or Society shall, on behalf of the said Institution or Society, have complied with the forms and requisites of the said two first-recited Acts, or such of them as may be applicable to the place or places respectively where the business of the said Institution or Society may be conducted, in such and the same manner as would enable such Manager, Clerk, Servant or Agent to act as a Pawnbroker on his own behalf.

2.
The License shall expire Six Months after the death of the Clerk, or his acting to be con-

And be it Enacted, That whenever it shall happen that a license or authority shall have been once obtained by or on behalf of any Manager, Clerk, Servant or Agent of any such Institution or Society as aforesaid, the

the whole business may be conducted in his name in all respects as if he were beneficially interested; and such license or authority shall be and endure for the benefit of the said Institution or Society, and the Directors, Members, Managers and Subscribers thereof, and all persons conducting and assisting in the conduct thereof, so as to save them from all penalties for acting as Pawnbrokers without proper qualification or license, at their usual places of business respectively, not only during such time as such Manager, Clerk, Servant or Agent shall be actually employed, for or on behalf of the said Institution or Society, in the management or conduct of their business, or in assisting therein, but for the space of *Six* calendar Months from and after the death of such Manager, Servant or Agent, or which shall first happen from and after the time when such Manager, Servant or Agent shall cease to act or be employed for or by the said Institution or Society, but not for a longer period than *Six* calendar Months from such time as aforesaid.

played, but his
Sureties remain
liable.

3.

Provided always, and be it Enacted, That all bonds and securities given or procured to be given by, for or on behalf of such Manager, Servant or Agent, pursuant to the said two several first hereinbefore recited Acts, or either of them, shall extend to and be deemed to be in force for securing during the said period of *Six* Months the observance and performance, by and on behalf of all persons acting for and on behalf of the said Institution or Society on whose behalf the said person shall have acted, of every act, matter and thing which the said person so licensed would or ought to do or perform, or omit to do or perform, if living and acting on his own behalf, in the conduct of the business of the said Institution or Society, in like manner to all intents and purposes as if such person were living and actually personally carrying on the business of a Pawnbroker, at the usual place of conducting business by the said Society, for and during such period of *Six* Months from such death or ceasing to act as aforesaid.

Provided always, and be it Enacted, That nothing herein contained shall extend to exempt the Managers of any such Institution or Society as aforesaid, or any other persons whatever, from any penalties or forfeitures by reason of any mal-practices in the trade or business of a Pawnbroker, it being the true intent and meaning of this Act to confine the exemption of the parties hereby exempted solely to the want of license or qualification or non-compliance with the forms required by the said two first-recited Acts.

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Nothing in this Act
is to exempt the
Managers of Pawn
Offices, or other
persons, from any
Penalty for mal-
practices.

And be it Enacted, That not only shall the person so licensed as aforesaid, or in whose name the business of a Pawnbroker shall be conducted, on behalf of any such Institution or Society as aforesaid, be liable to every penalty and forfeiture for mal-practices contained in or imposed by the said two first-mentioned Acts, in like manner in all respects as if he were conducting the business of a Pawnbroker on his own

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Not only is the Party
Licensed, but the
Property of the
Institutions to be
liable for Penalties
for any mal-prac-
tices.

own account, and his sureties be liable as hereinbefore provided, but the goods, property and effects of the said Institution or Society, on whose behalf he shall be so licensed or act, shall be liable to seizure and distress for all forfeitures and penalties which may be incurred by him, or by any other person assisting in the management of the said business, at the place where the business of the said Institution or Society shall be carried on, in like manner as if such funds and property were the funds and property of the person so licensed or authorized as aforesaid: Provided always, That nothing herein contained shall in any way be deemed to vest in the said person, or give him or his executors, administrators or assignees, any estate, right or interest in the goods, property or effects of the said Company, or render such goods, property or effects of the said Company in any way subject to claims by the creditors of such person, or any other persons claiming through him, save only in respect of forfeitures or penalties incurred in the trade of a Pawnbroker, at the usual place of conducting the business of the Institution or Society, for or on whose benefit he shall be licensed to act.

Nothing contained in this Act is to be construed to vest any Property in the person licensed, except to render it liable to forfeiture for any penalty incurred in the trade.

6.
Public Act.

And be it Enacted, That this Act shall be deemed a Public Act; and shall be judicially taken notice of as such by all Judges, Justices and other persons, without the same being specially shown or pleaded.

Charitable Pawn Offices.

(Ireland.)

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B I L L

To remove Doubts touching the Law relating to Charitable Pawn or Deposit Offices in Ireland.

(Prepared and brought in by
Lord Cochrane, Mr. Young, and
Mr. Widdow O'Brien.)

Ordered, by The House of Commons, to be Printed,
on June 1845.

360.

Under 1 oz.